

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

BRIAN FOWLKES,	:	
	:	Case No. 3:21-cv-7734 (BRM)
Petitioner,	:	
	:	
v.	:	MEMORANDUM ORDER
	:	
THE ATTORNEY GENERAL OF THE	:	
STATE OF NEW JERSEY, <i>et al.</i> ,	:	
	:	
Respondent.	:	
	:	

Pro se Petitioner, Brian Fowlkes, is a state prisoner confined at the New Jersey State Prison in Trenton, New Jersey. Petitioner filed a habeas petition pursuant to 28 U.S.C. § 2254. (See ECF 1.) The habeas petition failed to include the \$5.00 filing fee, or, alternatively, Petitioner did not include an application to proceed *in forma pauperis*. Therefore, this case is administratively closed. Petitioner shall have the opportunity to reopen this action should he choose. Accordingly,

IT IS on this 6th day of April 2021,

ORDERED the Clerk of the Court shall **ADMINISTRATIVELY TERMINATE** this case, Petitioner is informed an administrative termination is not a “dismissal” for purposes of the statute of limitations, and if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals), and it is further

ORDERED if Petitioner wishes to reopen this case, he shall so notify this Court in writing within thirty (30) days of the date of entry of this memorandum and order; Petitioner’s writing

shall include either the \$5.00 filing fee or a complete application to proceed *in forma pauperis* as well as a signed copy of his habeas petition on the proper form; and it is further

ORDERED upon receipt of a writing from Petitioner stating that he wishes to reopen this case and either the \$5.00 filing fee or a complete application to proceed in forma pauperis as well as a signed copy of his habeas petition on the proper form, the Clerk will be directed to reopen this case; and it is finally

ORDERED the Clerk shall serve upon Petitioner by regular U.S. mail: (1) a copy of this memorandum and order; and (2) a blank form application to proceed in forma pauperis by a prisoner in a habeas corpus case.

/s/Brian R. Martinotti

HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE